

## Message Text

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44

ACTION L-03

INFO OCT-01 EUR-25 ADP-00 IO-13 COA-02 EB-11 OIC-04

CIAE-00 DODE-00 PM-09 H-02 INR-09 NSAE-00 NSC-10

PA-03 RSC-01 PRS-01 SS-14 USIA-12 ACDA-19 AEC-11

AGR-20 CG-00 COME-00 DOTE-00 FMC-04 INT-08 JUSE-00

NSF-04 OMB-01 SAJ-01 CEQ-02 SCI-06 EPA-04 NIC-01

AID-20 RSR-01 /222 W

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R 091507 Z MAR 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC 7704

INFO AMEMBASSY MOSCOW

USUN NEW YORK 1457

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E.O. 11652: GDS

TAGS: PBOR IT UR

SUBJECT: LOS: ITALIAN-SOVIET CONSULTATIONS

REF: ROME 1621 AND 1367

1. SUMMARY. FONOFF OFFICIAL WHO ATTENDED TALKS HAS GIVEN US BRIEFING ON FEBRUARY 26-27 CONSULTATIONS IN MOSCOW ON LAW OF THE SEA. ITALIANS FOUND LITTLE CHANGE IN KNOWN SOVIET VIEWS ON LOS QUESTIONS WHICH WERE FULLY EXPOUNDED BY SOVIET TEAM IN ROME IN JULY, 1972. PRINCIPAL SOVIET CONCERNS RELATED TO (A) PASSAGE THROUGH MALACCA STRAITS AND (B) GROWING DIVISION BETWEEN DEVELOPED STATES AND LDC'S. ON ITALIAN SIDE, INTER-MINISTERIAL REVIEW OF LOS ISSUES MARCH 2 RESULTED IN CONFIRMATION OF PREVIOUS POSITIONS ON LOS QUESTIONS. END SUMMARY.

2. AT SOVIET REQUEST, ITALIAN LOS TEAM HEADED BY SCIOLLA LAGRANGE OF FONOFF LEGAL DEPARTMENT HAD TWO DAYS OF CONSULTATIONS IN MOSCOW TO REVIEW RESPECTIVE POSITIONS PRIOR TO OPENING

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OF CURRENT SESSION OF UN SEABEDS COMMITTEE. SOVIET SIDE WAS LED BY KOVALEV WHO IS SCIOLLA'S COUNTERPART IN SOVIET FONOFF. SOVIET POSITION ON STRAITS, TERRITORIAL WATERS AKN OTHER LOS TOPICS WERE LARGELY UNCHANGED FROM PREVIOUS BILATERAL TALKS WITH ITALIANS ALTHOUGH MOSCOW SHOWED PARTICULAR CONCERN OVER RIGHT OF PASSAGE THROUGH MALACCA STRAITS, AND GROWING DIVISION BETWEEN INDUSTRIALIZED NATIONS AND LDC'S OVER WIDE RANGE OF ISSUES.

3. RE QUESTION OF TERRITORIAL WATERS, SOVIETS ADVOCATED SPECIES APPROACH BUT, IN CONCESSION TO LDC'S, MAINTAINED THAT UNDER-DEVELOPED COUNTRIES (ONLY) SHOULD HAVE PREFERENTIAL RIGHTS IN COASTAL FISHING.

4. SOVIET POSITION ON STRAITS IS TO SUPPORT CONCEPT OF FREE TRANSIT REGIME THROUGH INTERNATIONAL STRAITS WHICH MOSCOW DEFINES AS (A) THOSE USED FOR INTERNATIONAL NAVIGATION AND (B) THOSE WHICH LINK TWO PARTS OF HIGH SEAS. ITALIANS SAID THEY COULD NOT AGREE WITH THIS DEFINITION AS IT WOULD INCLUDE STRAITS OF MESSINA WHICH GOI WANTS RECOGNIZED AS NATIONAL STRAITS. SOURCE SAID THAT SOVIETS WERE NOT CLEAR ON TYPE OF REGIME TO BE APPLIED TO NATIONAL STRAITS, BUT INSISTED ON NUMBER OF CONDITIONS TO FREE TRANSIT THROUGH INTERNATIONAL STRAITS. TWO OF THE CONDITIONS WERE PROHIBITION AGAINST POLLUTION (WITH FLAG STATE BEING HELD RESPONSIBLE) AND BAN AGAINST NAVAL MANEUVERS.

5. ON QUESTION OF LIMITS OF NATIONAL JURISDICTION FOR SEABED, ITALIANS HAD IMPRESSION THAT SOVIETS HAD NOT YET WORKED OUT A FINAL OVERALL POSITION ALTHOUGH THEY DID DISCUSS THEIR CURRENT THINKING ON DEPTH AND DISTANCE CRITERIA. ON THE FIRST, THEY LED ITALIANS TO BELIEVE THAT THEY WOULD BE WILLING TO CONSIDER GOING BEYOND A DEPTH OF 200 METERS. ON DISTANCE, THE INDICATED THAT THEY COULD PROBABLY SUPPORT 100 MILE LIMIT AS A FAIR BALANCE BETWEEN CONFLICTING CLAIMS TO BROADER OR NARROWER JURISDICTIONS. IN CASES WHERE THE CONTINENTAL SHELF DROPS OFF ABRUPTLY, SOVIETS BELIEVE NATION AFFECTED NATION SHOULD BE GIVEN OPTION OF DEPTH OR DISTANCE LIMIT.

6. REGARDING INTERNATIONAL REGIME, SOVIETS ESPoused TWO PRINCIPLES: A) SEABED SHOULD BE FOR PEACEFUL USE ONLY AND B) THERE SHOULD BE COMPLETE FREEDOM FOR SCIENTIFIC RESEARCH.

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7. ON MARCH 2, ITALIAN INTER-MINISTERIAL MEETING CONFIRMED GOI

LOS POSITIONS IN PREPARATION FOR UPCOMING SESSION OF UN SEABEDS  
COMMITTEE. MEETING DETERMINED THAT 12 MILE MAXIMUM TERRITORIAL  
LIMIT MUS  
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